

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

M2 CONSULTING, INC.

Plaintiff,

v.

MRO SOFTWARE, INC.

Defendant.

C.A. No. 03-12589-GAO

JOINT STATEMENT OF THE PARTIES PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Local Rule 16.1(D), M2 Consulting, Inc. ("M2") and MRO software, Inc. ("MRO"), hereby submit this Joint Statement to the Court.

I. Joint Discovery Plan

The parties propose that the following plan be adopted for the taking of discovery:

- A. Document requests shall be propounded by no later than July 30, 2004
- B. Interrogatories shall be propounded by no later than September 17, 2004.
- C. Depositions of fact witnesses shall be concluded by no later than December 31, 2005.
- D. The plaintiff shall serve the defendant with its expert reports no later than February 28, 2005.
- E. The defendant shall serve the plaintiff with its expert reports no later than March 31, 2005.
- F. The plaintiff shall serve the defendant with its rebuttal expert reports, if any, no later than May 31, 2005.

G. Depositions of expert witnesses shall be concluded no later than June 31, 2005.

H. The limitations on the number of discovery events shall be as specified in Local Rule 26.1(C).

II. Proposed Schedule for Motions

The parties propose that all dispositive motions be served by no later than July 31, 2005, and that the Court schedule a trial in this matter as soon as practicable after the resolution of dispositive motions.

III. Certifications Pursuant To Local Rule 16.1(D)(3)

Each party and that party's counsel hereby certify that they have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Each party's certification pursuant to Local Rule 16.1(D)(3) is filed herewith.

IV. Consent to Trial by Magistrate Judge

Neither party consents to trial by magistrate judge.

Respectfully Submitted,

/s/ Kurt E. Bratten

Lee T. Gesmer (BBO No. 190260)
Joseph J. Laferrera (BBO No. 564572)
Kurt E. Bratten (BBO No. 644730)
Gesmer Updegrove, LLP
40 Broad Street
Boston, MA 02109
email: kurt.bratten@gesmer.com
(617) 350-6800

Attorneys for MRO Software, Inc.

/s/ Michael C. Fee

Michael C. Fee, Esq.
Fee, Rosse & Lanz, P.C.
321 Boston Post Road
Sudbury, MA 01776
212-997-4400
mfee@feelaw.com

John M. Teitler, Esq.
Teitler & Teitler
1114 Avenue of the Americas
New York, NY 10036
212-997-4400
jmtteitler@teitler.com

Attorneys for M2 Consulting, Inc.

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